

Authorizing The Acquisition Of Right-Of-Way Interests Over Certain Real Property For The Hudson Valley Rail Trail West: Phase 4 (PIN 8761.21) In The Town of Lloyd and Amending Capital Project No. 451 for Right-of-Way Acquisition – Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Maloney and Legislators Berky, Delaune, Lapp, Litts, Maio and Rodriguez), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, James F. Maloney, and Deputy Chairman Hector Rodriguez offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

WHEREAS, the Ulster County Legislature adopted Resolution No. 139 of 2015 thereby establishing Capital Project No. 451 for the design and right-of-way incidentals work for the Hudson Valley Rail Trail West: Phase 4 (PIN 8761.21) in the Town of Lloyd, County of Ulster, State of New York (hereinafter the “Project”); and

WHEREAS, the Ulster County Legislature adopted Resolution No. 141 of 2015 thereby authorizing an agreement between the County of Ulster (hereinafter the “County”) and the New York State Department of Transportation (hereinafter “NYSDOT”) to fund engineering and right-of-way incidentals for the Project; and

WHEREAS, the Ulster County Legislature adopted Resolution No. 45 of 2016 pursuant to 6 NYCRR Part 617 et seq. of the Regulations of Article 8 of the Environmental Conservation Law of New York State (hereinafter “SEQRA”) thereby adopting and issuing a determination of non-significance under SEQRA (hereinafter the “Negative Declaration”); and

WHEREAS, the Ulster County Legislature adopted Resolution No. 237 of 2016 authorizing the County to pay in the first instance 100% of the federal and non-federal share of the cost of right-of-way acquisition work for the Project (hereinafter the “Resolution No. 237”); and

WHEREAS, Resolution No. 237 appropriated and made the sum of \$84,835.00 available from Capital Project No. 451 to cover the estimated cost of the right-of-way acquisition; and

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WHEREAS, the Ulster County Legislature adopted Resolution No. 270 of 2016 thereby authorizing the Ulster County Legislature to conduct a public hearing for the proposed acquisitions for public purpose of real property for the Project and a public hearing was conducted on June 21, 2016; and

WHEREAS, the Ulster County Legislature adopted Resolution No. 375 of 2016 thereby issuing the Determination and Findings for the Project pursuant to Eminent Domain Procedure Law; and

WHEREAS, the Ulster County Legislature adopted Resolution No. 466 of 2016 thereby increasing Capital Project 451 by \$41,040 to include additional expenses for engineering and right-of-way incidental work; and

WHEREAS, the County has completed required property appraisals and is now working to acquire permanent easements from the following in order to implement this Project; and

WHEREAS, based on the appraisals, the anticipated total costs of the acquisitions is \$121,550, which will require an addition of \$36,715 to Capital Project 451 for purposes of right-of-way acquisition, adding to the \$84,835 previously estimated and authorized; now, therefore be it

RESOLVED, the Ulster County Legislature hereby authorizes the Chairman of the Ulster County Legislature to execute, on behalf of the County of Ulster, any and all documents related to the right-of-way acquisitions as approved by the County Attorney; and, be it further

RESOLVED, that the Ulster County Commissioner of Finance is authorized to make payments associated with the right-of-way acquisitions; and, be it further,

RESOLVED, that Capital Project 451- Hudson Valley Rail Trail West: Phase 4- is hereby increased in the amount of \$36,715.00 for right-of-way acquisition; and be it further

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RESOLVED, that the 2017 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0451.2300.2555 (Appr.#)	Land Acquisition	\$36,715.00
HH.7197.0451.3500.5710 (Rev.#)	Serial Bonds	\$36,715.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 19 NOES: 0
(Absent: Legislators Gerentine, Maio, Roberts and Ronk)

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on February 7, 2017

Passed Committee: Public Works and Capital Projects on February 1, 2017

Passed Committee: Ways and Means on February 7, 2017

FINANCIAL IMPACT:

\$36,715 – CAPITAL PROJECT NO. 451 APPROPRIATIONS

\$36,715 – COUNTY FUNDS – SERIAL BONDS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15th Day of February in the year Two Thousand and Seventeen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 17th Day of February in the year Two Thousand and Seventeen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
17th Day of February, 2017.

Approved by the County Executive this
23rd Day of February, 2017.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

|s| Michael P. Hein
Michael P. Hein, County Executive